

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

ORIGINAL

In the Matter of
Advanced Television Systems
and Their Impact upon the
Existing Television Broadcast
Service

) MM Docket No. 87-268
)
)
)
)

RECEIVED

DEC 20 1991

To: The Commission:

Federal Communications Commission
Office of the Secretary

COMMENTS OF BRADENTON BROADCAST TELEVISION COMPANY, LTD.

On November 8, 1991, the Commission released its Notice Of Proposed Rule Making ("NPR") in the above referenced proceeding. Bradenton Broadcast Television Company, Ltd. ("BBTC"), by its attorneys, pursuant to Sections 1.415 and 1.419 of the Commission's Rules, hereby files the following Comments on matters addressed in the NPR:

I. BBTC's INTEREST

BBTC is the permittee of a new commercial television station authorized to operate on UHF channel 66 in Bradenton, Florida under the existing NTSC system. As such it would be eligible to apply for an additional authorization to operate a new television station on a new channel allocated in the proposed Advanced Television ("ATV") system (NPR at par. 8) when that new Table of Allocations is adopted. It is therefore an interested party in the instant proceeding.

0 + 9

II. THE NEED FOR A WHOLE MARKET BASIS IN MAKING
NEW ATV CHANNEL ASSIGNMENTS IN LARGER MARKETS

The first matter that we wish to address concerns the preparation of the new ATV table of Allocations and the initial filing procedure to request a construction permit for use of one of those channels. In its NPR (para. 18 and 19) the Commission indicated that it was considering two approaches on this matter, the first being in the form of a new Table of Allocations in which each existing NTSC channel is randomly matched with an ATV channel in any given community. The second approach would simply list the entire selection of new ATV channels and make them available to applicants actually filing for use of any such channel on a first-come, first-served basis with any simultaneously filed mutually exclusive requests for the same channel being then decided on a random basis.

BBTC's concern under either approach is that while it will be licensed to the city of Bradenton, Florida and will in fact focus its efforts on meeting the needs and interests of that community, it nonetheless must recognize that Bradenton is located in the Tampa/St-Petersburg ADI and must compete with other stations in that general market for programming,

advertising and audience.^{1/} In recognition of that fact, it is suggested that where a pool of new channels is adopted in that area, that it should be done, at least initially, on a whole market basis so that stations in outlying communities in that market such as Bradenton will have an equal opportunity to apply for the more desirable newly allocated channels in the area rather than being restricted to a single channel specifically allocated to its own individual city of license.

Obviously, unless the whole market approach is used, stations such as BBTC's would be left with no choice at all and essentially given only the take it or leave it proposition of only one available channel allocated specifically to its own particular city. The inequity of this restriction would be most profound under the second option where the incentive for filing early for use of the most desirable ATV channel would be utterly destroyed for any outlying community located in any of the larger markets. We therefore suggest that under either assignment option that the Commission recognize the need to include all communities such as Bradenton located within the larger television markets to be eligible to apply for any of the new ATV channels assigned on a market basis, with the understanding that upon filing and grant

^{1/} The reality of this type of situation was recently recognized by the Commission in its ruling in Press Television Corporation, FCC 91-348 (1991) where it recognized Clermont to be operating within and as part of the Orlando-Daytona Beach-Melbourne-Cocoa market, and more particularly in the recent decision in Susquehanna Radio Corp, FCC 91-340 (1991) where it recognized that the service contour of a television station in Tampa completely encompassed the city of Sarasota (which lies beyond Bradenton from Tampa) and was in fact located in the same greater Tampa/St. Petersburg ADI market.

of the application, that the assignment would then be officially and formally designated to the specific community of license in which it would actually be located and operated.

III. UPON FULL CONVERSION TO ATV, OLD NTSC
CHANNEL LICENSES SHOULD BE CANCELED

A second area of concern to BBTC is the Commission's plan to complete the conversion to ATV. Once the several stations in the market have expended the resources necessary to construct and operate new ATV stations in the context of the newly adopted table of allocations, we would question the wisdom of allowing any wholesale return of the newly established ATV operations to former NTSC channels. In the NPR the Commission itself recognized the various difficulties, both technical and otherwise, that would be attendant to any such retrofit restructuring and we would suggest that such reversions would indeed be counterproductive to the stability of the new ATV operations of all stations, most especially at the time of final conversion from the NTSC to the ATV system.

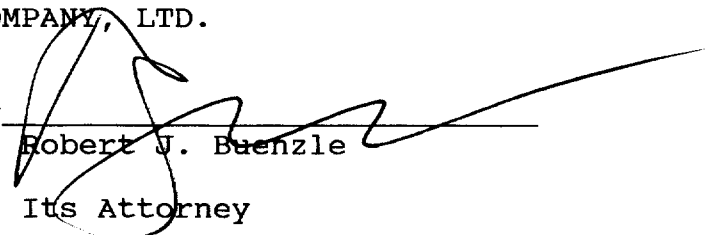
By definition, at whatever time that the FCC determines that this country must 'let go' completely of the old NTSC system, it would have grown accustomed to the existence and location of channels operating on the new ATV system and that would appear to be the worst time to propose to allow existing ATV stations to then switch back to their old NTSC channels with the new interference, coverage and antenna orientation problems that would predictably result from such changes.

We would therefore suggest that upon completion of conversion to ATV operation, that each and every existing station license on an NTSC channel be canceled, subject only to petition filed by any existing ATV licensee that could demonstrate it could successfully operate on a vacated NTSC channel without interference to any other ATV station and that there were sufficient public interest reasons to support that individual switch of channels. This is in fact a procedure quite similar to an existing method already contemplated under Section 1.420 (g) (h) and (i) of the Commission's rules and which would provide the mechanism to make such a change in those cases where it could be shown that such a change was warranted.

IV. CONCLUSION

In sum, subject to the reservations and comments as set forth herein, BBTC supports the NPR and believes it should be adopted.

BRADENTON BROADCAST TELEVISION
COMPANY, LTD.

by 
Robert J. Buenzle
Its Attorney

Law Offices
Robert J. Buenzle
12110 Sunset Hills Road
Suite 450
Reston, Virginia 22090
(703) 715-3006

December 20, 1991